

Date of Meeting: October 16, 2013

**BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM**

8

SUBJECT: ZOAM 2013-0008: Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance to Establish the Bed and Breakfast Homestay Use; Create Standards for the Bed and Breakfast Homestay; Rename the Bed and Breakfast Use to the Bed and Breakfast Inn; Amend Standards for the Bed and Breakfast (Inn); Amend the Standards for the Country Inn and Banquet Facility/Event Facility Uses; and Amend the Standards for Special Events and Sketch Plan.

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Mark A. Depo, Zoning Planner
Nicole C.E. Dozier, Zoning Administrator
Terrance Wharton, Director, Building and Development

RECOMMENDATION:

Staff: Staff recommends that the Board of Supervisors (Board) adopt a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance to implement Zoning Ordinance Amendment (ZOAM) 2013-0008, as provided in Attachment 1.

BACKGROUND:

On December 13, 2012, the Transportation and Land Use Committee (TLUC) reviewed the “Package 1” zoning ordinance amendments (ZOAM 2012-0002, Commercial and Industrial Zoning Ordinance Amendments) and voted (3-0-2, Clarke and Letourneau absent for the vote) to forward Package 1 to the Board of Supervisors (Board) with a recommendation of approval, as amended.

While conducting its review of Package 1 zoning ordinance amendments, the TLUC also recommended reassigning certain issues to be further researched as part of “Package 2” amendments, and then recommended a revised Package 2 work plan to include amendments to the Bed and Breakfast (B&B) regulations. At the January 2, 2013 Business Meeting, the Board directed Staff to proceed with the proposed revisions to Package 2 amendments as proposed by the TLUC and prepare future Resolutions of Intent to Amend as work proceeds on the various amendments, including the amendments in regard to B&B’s (8-0-1, Clarke absent).

On January 9, 2013, the Zoning Ordinance Action Group (ZOAG), created the B&B Sub-Committee, to review three main issues of the B&B regulations and process: 1) cost and approval process, 2) performance standards, and 3) streamlining the process. The B&B Sub-Committee, including Zoning staff, held their first meeting on February 20, 2013. Due to the commonality between the B&B use and the Country Inn and Banquet Facility uses, the B&B Sub-Committee recommended that both the Country Inn and Banquet Facility uses be added to the B&B text amendment.

Following several subsequent meetings, the B&B Sub-Committee forwarded their recommendations to the ZOAG in order to gain input and comments from the ZOAG at their July 10, 2013, and September 11, 2013, meetings. The ZOAG supported the B&B Sub-Committee's recommendations and the remaining outstanding issues. Staff anticipates a possibility of additional meetings with the ZOAG, and the Planning Commission public hearing is tentatively scheduled for November 19, 2013.

ZOAM 2013-0008, represents a portion of the Package 2 zoning ordinance amendments and proposes to: 1) Establish a new "Bed and Breakfast Homestay" use, with appropriate Additional Regulations and definition; 2) Rename the existing use "Bed and Breakfast" as "Bed and Breakfast Inn," and revise associated Additional Regulations; 3) Revise the Additional Regulations for the use "Country Inn" (with, and without, a restaurant); 4) Revise the Additional Regulations for the use "Banquet Facility/Event Facility;" 5) Amend the Temporary Uses/Zoning Permits regulations in regard to Bed and Breakfast type uses; and 6) Revise Site Plan/Sketch Plan requirements for Bed and Breakfast type uses. A summary of the proposed amendments, as of this point in the process is included in Attachment 2.

ISSUES:

Staff does not anticipate any issues with the proposed Resolution of Intent to Amend.

ALTERNATIVES:

1. Adopt the attached Resolution of Intent to Amend the Zoning Ordinance.
2. Do not proceed with any amendments to the Zoning Ordinance concerning the Bed and Breakfast Homestay, Bed and Breakfast Inn, Bed and Breakfast, Country Inn, Banquet Facility/Event Facility, Special Events, and Sketch Plan at this time.

FISCAL IMPACT:

No further funding is required in preparing the proposed Zoning Ordinance amendment. Sufficient funding is included in the existing department budget for the necessary staff time and resources.

DRAFT MOTIONS:

1. I move that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance, provided as Attachment 1 to the Action Item for the Board of Supervisors October 16, 2013, Business Meeting, to implement ZOAM 2013-0008, Establishing Bed and Breakfast Homestay and Inn and Amending Bed and Breakfast, Country Inn, Banquet Facility/Event Facility, Special Events, and Sketch Plan.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. Resolution of Intent to Amend
2. Summary of Proposed Changes

ATTACHMENT 1

OCTOBER 16, 2013

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

RESOLUTION OF INTENT TO AMEND ARTICLES 2, 3, 4, 5, 6, AND 8 OF THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors adopted a Work Plan on February 14, 2012, to review the Revised 1993 Loudoun County Zoning Ordinance to develop Zoning Ordinance Amendments (ZOAM) for the stated purpose of advancing commercial development throughout the County with the overall objective being to encourage a more business-friendly environment; and

WHEREAS, the Board of Supervisors provided additional direction and prioritization of such Amendments on June 19, 2012, and further direction and prioritization by Resolutions adopted on July 17, 2012, and January 2, 2013; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 2, 3, 4, 5, 6, and 8 of the Revised 1993 Loudoun County Zoning Ordinance to revise certain regulations in regard Bed and Breakfast type uses and to further commercial and industrial development in the County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) as follows:

1. Establish “Bed and Breakfast Homestay” as a new use, with appropriate Additional Regulations, and add this use as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to such Additional Regulations, in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Rural Commercial (RC), and Joint Land Management Area-20 (JLMA-20) zoning districts; and
2. Revise the name of the existing use “Bed and Breakfast” to “Bed and Breakfast Inn”; and
3. Add the uses “Bed and Breakfast” (now “Bed and Breakfast Inn”) and “Country Inn” (with, and without, a restaurant) as Permitted, Minor Special Exception, or Special Exception uses, which may be subject to Additional Regulations, in the RC and JLMA-20 zoning districts; and
4. Reclassify the existing Special Exception use “Bed and Breakfast” (now “Bed and Breakfast Inn”) to a Permitted or Minor Special Exception use, which may be subject to Additional Regulations, in the Agricultural (A-10), Agricultural Residential (A-3), Countryside Residential-1 (CR-1), Countryside Residential-2 (CR-2), Countryside Residential-3 (CR-3), Joint Land Management Area-1 (JLMA-1), Joint Land Management Area-2 (JLMA-2), Joint Land Management Area-3 (JLMA-3), Transitional Residential-10 (TR-10), Transitional Residential-3 (TR-3), Transitional Residential-2 (TR-2), Transitional

- Residential-1 (TR-1), Single Family Residential (R-1), Single Family Residential (R-2), and Planned Development-Countryside Village (PD-CV) Village Core zoning districts; and
5. Reclassify the existing Special Exception use “Country Inn” (with, and without, a restaurant) to a Permitted or Minor Special Exception use, which may be subject to Additional Regulations, in the A-10, A-3, CR-1, CR-2, CR-3, Countryside Residential-4 (CR-4), JLMA-3, TR-10, and TR-3 zoning districts; and
 6. Revise the name of the existing use “Banquet Facility” in the AR-1 and AR-2 zoning districts and “Banquet Facility/Event Facility” in the PD-MUB zoning district to “Banquet/Event Facility”; and
 7. Add the use “Banquet/Event Facility” as a new Permitted, Minor Special Exception, or Special Exception use, which may be subject to Additional Regulations, in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC, R-1, JLMA-3, JLMA-20, TR-10, TR-3, and Planned Development-Rural Village (PD-RV) Village Center-Commercial and Workplace Area zoning districts; and
 8. Reclassify the existing Minor Special Exception use “Banquet Facility/Event Facility” (now “Banquet/Event Facility”) to a Permitted use, which may be subject to Additional Regulations, in the AR-1 and AR-2 zoning districts; and
 9. Amend Section 5-500 et seq., Temporary Uses/Zoning Permits, to permit special events in the JLMA-1, JLMA-2, JLMA-3, and JLMA-20 zoning districts and other amendments necessary to implement the proposed amendments; and
 10. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to establish new additional regulations for the new use “Bed and Breakfast Homestay”, to revise the existing additional regulations for the uses “Bed and Breakfast” (now “Bed and Breakfast Inn”), “Country Inn” (with, and without, a restaurant), and “Banquet Facility/Event Facility”, and to revise Section 5-654 Road Access Standards; and
 11. Amend Section 5-1100, Off-Street Parking and Loading Requirements, to establish new parking requirements for private parties associated with the new use “Bed and Breakfast Homestay” and the existing uses “Bed and Breakfast” (now “Bed and Breakfast Inn”) and “Country Inn” (with, and without, a restaurant), and new parking requirements for the existing uses “Banquet Facility” and “Banquet Facility/Event Facility” (now “Banquet/Event Facility”); and
 12. Amend Section 6-700 et seq., Site Plan Review, to require a Sketch Plan as part of a zoning permit application for the use “Bed and Breakfast Inn” (with, and without, a restaurant); and
 13. Amend Article 8, Definitions, to establish a definition for the new use “Bed and Breakfast Homestay”, revise the name of the existing use “Bed and Breakfast” to “Bed and Breakfast Inn”, and revise other existing definitions, including Bed and Breakfast (now “Bed and Breakfast Inn”), Country Inn, and Banquet/Event Facility, as necessary to implement the foregoing amendments; and
 14. Amend such other sections of the Zoning Ordinance as may be necessary to fully implement and maintain consistency with the foregoing amendments, to correct typographical errors and update references, and to achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare

draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

ATTACHMENT 2

ZOAM-2013-0008: ESTABLISHING THE BED AND BREAKFAST HOMESTAY USE, RENAMING AND AMENDING THE BED AND BREAKFAST USE TO THE BED AND BREAKFAST INN, AMENDING THE COUNTRY INN AND BANQUET FACILITY USES, AND AMENDING THE SPECIAL EVENTS AND SKETCH PLAN STANDARDS.

SUMMARY OF PROPOSED CHANGES OCTOBER 16, 2013

Based upon the Action Plan adopted by the Board of Supervisors on December 5, 2012 and the revised Package 2 work plan adopted by the Board of Supervisors on January 2, 2013, Staff has developed the following summary of changes proposed with ZOAM-2013-0008, which are organized by the following topic areas: A) Bed and Breakfast Homestay; B) Bed and Breakfast Inn; C) Country Inn; D) Banquet Facility/Event Facility; and E) Table: Changes/ Differences Between the Uses. It is noted that the Resolution of Intent to Amend has been drafted in a manner which allows the Planning Commission and/or the Board of Supervisors the flexibility to revise, add or delete uses and make changes to requirements that may be different from Staff's recommended changes.

A. BED AND BREAKFAST HOMESTAY

1. Staff recommends that the Bed and Breakfast Homestay use be created as a new use regulation in Section 5-600, Additional Regulations for Specific Uses; amending relevant zoning districts to allow for the Bed and Breakfast Homestay use; and adding a definition to Article 8.
 - Added additional regulations in Section 5-601 for the Bed and Breakfast Homestay use.
 - Added a definition to Article 8 for the Bed and Breakfast Homestay use. Bed and Breakfast Homestay was a defined use in the Zoning Ordinance and was combined with Bed and Breakfast Inn in 2006 creating the current "Bed and Breakfast" use, however the Bed and Breakfast Homestay use remained listed in several zoning districts.
 - Bed and Breakfast Homestay is currently listed as a permitted use in the A-10, A-3, CR-1, CR-2, JLMA-1, JLMA-2, JLMA-3, TR-10, TR-3, TR-2, TR-1, R-1, R-2, PD-CV (All Areas), and PD-RV (Village Conservancy) zoning districts.
 - Added Bed and Breakfast Homestay use to AR-1, AR-2, RC, and JLMA-20 zoning districts as a permitted use.
 - Process: Zoning Permit
 - Bed and Breakfast Homestay use is intended to be accessory to a residence.
 - Added private parties daily for 10 guests, including overnight guests.
 - Added owner of premises must reside in Bed and Breakfast Homestay.
 - Private parties (events) allowance is same as for other properties in the County through Temporary Special Permit - Section 5-500(C).
 - Requirements/standards are generally those of a residence.

B. BED AND BREAKFAST INN

1. Staff recommends renaming and amending the regulations of the current Bed and Breakfast use to the Bed and Breakfast Inn use in Section 5-600, Additional Regulations for Specific Uses; amending relevant zoning districts to allow for the Bed and Breakfast Inn use; amending

Section 5-500, Temporary Special Events, for JLMA districts; amending Section 6-700, Site Plan Review, sketch plan regulations; and amending a definition to Article 8.

- Renamed the current Bed and Breakfast use to Bed and Breakfast Inn.
- Amended the current Article 8 Bed and Breakfast definition to Bed and Breakfast Inn.
- Bed and Breakfast (i.e. Bed and Breakfast Inn) is currently listed as a permitted use in the AR-1, AR-2, PD-CV (Village Conservancy), PD-RV (Residential Area), and PD-RV (Commercial & Workplace Area) zoning districts and as a special exception use in the A-10, A-3, CR-1, CR-2, CR-3, JLMA-1, JLMA-2, JLMA-3, TR-10, TR-3, TR-2, TR-1, R-1, R-2, and PD-CV (Village Core) zoning districts.
- Reclassified as a special exception use to a permitted use in the A-10, A-3, TR-10, TR-3, and PD-CV (Village Core) zoning districts. All zoning districts still listed as a special exception use will be processed as a minor special exception.
- Added Bed and Breakfast Inn as a permitted use in JLMA-20 and as a minor special exception in RC.
- Process: Minor Special Exception and/or Sketch Plan. A Site Plan or Rural Economy Site Plan (REST) in rural zoning districts would be required for disturbance exceeding 5,000 square feet. Currently, a Special Exception and/or Site Plan (REST in rural zoning districts) is required.
- Amended number of attendees to allow private parties daily for 25 guests, including overnight guests.
- Included JLMA districts, which are currently not permitted, in Section 5-500, Temporary Special Events, with a Minor Special Exception.
- 10 private parties for greater than 25 attendees up to 150 people per calendar year with additional private parties (above 10 permitted) through Banquet Facility use.
- No time period separation between private parties.
- Annual permit for private parties exceeding the daily 25 guests. Currently, a permit is required for each private party.

C. COUNTRY INN

1. Staff recommends amending the Country Inn regulations in Section 5-600 and amending relevant zoning districts to allow for the Country Inn use.
 - Country Inn is currently listed as a permitted use in the AR-1, AR-2, and PD-RV (Commercial & Workplace Area) zoning districts and as a special exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, JLMA-3, TR-10, TR-3 zoning districts.
 - Country Inn with Restaurant is currently listed as a minor special exception in the AR-1, AR-2, and PD-RV (Commercial & Workplace Area) zoning districts and as a special exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, JLMA-3, TR-10, TR-3 zoning districts.
 - Reclassified a Country Inn as a special exception use to a minor special exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, JLMA-3, TR-10, TR-3 zoning districts.
 - Added Country Inn as a minor special exception use in the JLMA-20 and RC zoning districts.
 - Added Country Inn with Restaurant as a special exception use in the JLMA-20 and RC zoning districts.
 - Amended number of guests room to permit up to 30 (currently 40) guest rooms; no

minimum of 4 rooms as in current ordinance.

- May have a restaurant with Minor or Full Special Exception, depending on the district.
- Amended number of attendees to allow private parties daily for 50 guests, including overnight guests.
- 10 private parties for greater than 50 attendees with a maximum of 150 people calendar year with additional private parties (above 10 permitted) through Banquet Facility use.
- No time period separation between events/parties.
- Annual Permit for events/parties.

D. BANQUET FACILITY/EVENT FACILITY

1. Staff recommends amending the Banquet Facility/Event Facility regulations in Section 5-600 and amending relevant zoning districts to allow for the Banquet Facility/Event Facility use.
 - Banquet Facility/Event Facility is currently listed as a minor special exception in the AR-1, AR-2 zoning districts and as a permitted use in the PD-MUB zoning district.
 - Reclassified a Banquet Facility/Event Facility as a permitted use in the AR-1, AR-2 zoning districts with performance standards, including a 20 acre minimum lot size.
 - Added Banquet Facility/Event Facility as a minor special exception use in the A-10, A-3, CR-1, CR-2, CR-3, CR-4, JLMA-3, JLMA-20, TR-10, TR-3, RC, and PD-RV zoning districts (similar to Country Inn).
 - Allows for multiple events/parties – number of events/parties established at site plan or special exception review.
 - No time period separation between events/parties.
 - No additional permits necessary for events/parties.
 - Standards may be modified through the Minor Special Exception process upon Board of Supervisors reviewing individual property.
 - Amends Section 5-500(C), Special Events, to allow within JLMA zoning districts.

E. TABLE: CHANGES/DIFFERENCES BETWEEN THE USES

General Standards	Bed and Breakfast Homestay		Bed and Breakfast Inn		Country Inn		Banquet Facility/Event Facility	
Guest Rooms	1-3 Rooms.		1-7 Rooms. (5 Acres) 8-10 Rooms. (10 Acres)		1-30 Rooms.		N/A	
Min. Lot Area	No minimum.		5 Acres.		20 Acres.		20 Acres.	
F.A.R.	N/A		0.04 F.A.R.		0.04 F.A.R.		0.04 F.A.R.	
Applications	<ul style="list-style-type: none"> ▪ Zoning Permit. 		<ul style="list-style-type: none"> ▪ Sketch Plan (Max. 5,000 sq. ft. disturbance). ▪ Site Plan (REST). ▪ SPMI. ▪ Annual Permit for private parties. 		<ul style="list-style-type: none"> ▪ Site Plan (REST). ▪ SPMI. ▪ Annual Permit for private parties. 		<ul style="list-style-type: none"> ▪ Site Plan (REST). ▪ SPMI. 	
Zoning Districts Allowed	AR-1: P AR-2: P A-10: P A-3: P CR-1: P CR-2: P RC: P R-1: P R-2: P JLMA-1: P	JLMA-2: P JLMA-3: P JLMA-20: P TR-10: P TR-3: P TR-2: P TR-1: P PD-CV: P PD-RV: Conserv.: P Res. Area: P	AR-1: P AR-2: P A-10: S P A-3: S P CR-1: S M CR-2: S M CR-3: S M RC: M JLMA-20: P JLMA-3: S M JLMA-2: S M JLMA-1: S M	R-1: S M R-2: S M TR-10: S P TR-1: S M TR-2: S M TR-3: S P PD-RV: Res Area: P Com. Work: P PD-CV: Conserv: P Village: S P	w/o restaurant AR-1: P AR-2: P A-10: S M A-3: S M CR-1: S M CR-2: S M CR-3: S M CR-4: S M RC: M JLMA-3: S M JLMA-20: M TR-10: S M TR-3: S M PD-RV: P*	w/restaurant AR-1: M AR-2: M A-10: S A-3: S CR-1: S CR-2: S CR-3: S CR-4: S RC: S JLMA-3: S JLMA-20: S TR-10: S TR-3: S* PD-RV: M*	AR-1: M P AR-2: M P A-10: M A-3: M CR-1: S CR-2: S CR-3: S CR-4: S	RC: S R-1: S JLMA-3: S JLMA-20: M TR-10: M TR-3: M PD-RV: M PD-MUB: P
Daily Private Party Attendees	10 guests, including overnight guests.		25 guests, including overnight guests.		50 guests, including overnight guests.		Determined at STPL, SPEX, or SPMI stage.	
Private Parties	Subject to §5-500(C).		10 private parties per calendar year of 25-150 attendees.		10 private parties per calendar year of 50-150 attendees.		Determined at STPL, SPEX, or SPMI stage.	
Yard Standards	District regulations.		200 feet: private party areas and parking from lot line, and 100 feet: private party areas and parking adjacent to commercial.		250 feet: Country Inn use, parking, gathering areas, etc. from lot lines, and 100 feet: Country Inn use, parking, gathering areas, etc. adjacent to commercial.		200 feet: Banquet Facility/Event Facility use, and 300 feet: parking, gathering/outdoor areas, etc. from lot lines.	
Landscape Buffer	Subject to §5-653(A) for gathering areas only.		Subject to §5-653(A) for private party parking and gathering areas, and Subject to §5-653(B) for §5-1102 parking areas.		Subject to §5-653(A) for use, private party parking, gathering areas, etc., and Subject to §5-653(B) for §5-1102 parking areas.		Subject to §5-653(A), §5-653(B), and §5-653(C)	
Parking	Subject to §5-1102, plus private party attendees.		Subject to §5-1102, plus private party attendees and support staff.		Subject to §5-1102, plus private party attendees and support staff, and Surface dust free.		Subject to §5-1102, and Surface dust free.	
Lighting	Residential lighting.		Subject to §5-652(A), plus 12' height minimum for non-parking lot lighting.		Subject to §5-652(A)(1)-(3), plus 12' height minimum for non-parking lot lighting.		Subject to §5-652(A)(1)-(3), plus 12' height minimum for non-parking lot lighting.	
Noise	Maximum 55dBA.		Maximum 55dBA.		Maximum 55dBA.		Subject to §5-652(B)	
Roads/Access			Subject to §5-654, and No more than 2-points of access.		Subject to §5-654; No more than 2-points of access, and Located on a paved public road.		Subject to §5-654; No more than 2-points of access, and Located on a paved public road.	

Red Text denotes additions or reclassifications of Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn or Banquet Facility/Event Facility as a Permitted, Special Exception, or Minor Special Exception use.